

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**AT LAST SPORTSWEAR, INC.
525 7th Avenue, Suite 1501
New York, NY 10018,**

Plaintiff,

v.

**MICHAEL KAMENS
1950 Timber Lakes Dr.
Yardley, PA 19067**

Defendant.

Civil Action No.: 13 CV 2355

Hon. William H. Pauley III

PLAINTIFF'S RULE 26(f) REPORT

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, Plaintiff At Last Sportswear, Inc. ["Plaintiff"] by and through its attorneys submits the following report and proposed discovery in contemplation of the initial pretrial conference in this matter scheduled for May 10, 2013 at 11:00 a.m.

On or about April 4, 2013, the Complaint was filed in the State Court Action with the Clerk for the Supreme Court of New York, County of New York. On April 9, 2013, Defendant Michael Kamens ["Defendant"] filed a Notice of Removal. On April 12, 2013, Defendant requested additional time to answer or otherwise respond to Plaintiff's Complaint to May 24, 2013. This Court granted the Defendant's request. On April 17, 2013, this Court scheduled an initial pretrial conference on May 10, 2013.

On May 2, 2013, the Plaintiff contacted Defendant seeking Defendant's consent to adjourn the pretrial conference in light of the fact that Defendant has not answered or otherwise

appeared in this action. Although Defendant admitted that he intends to interpose counterclaims and may potentially file a motion to dismiss, Defendant refused to consent to an adjournment. When Plaintiff attempted to coordinate a conference to discuss the Rule 26(f) report, Defendant offered to schedule a conference call on May 3, 2013. Defendant did not respond to Plaintiff's voicemail request to schedule the conference call.

1. **Initial Disclosures**

Plaintiff is amenable to exchanging Initial Disclosure pursuant to Rule 26(a)(1)(A) on or before June 10, 2013.

2. **Subjects on Which Discovery May Be Needed**

(A) **Plaintiff:** In this case, Plaintiff asserts claims that Defendant breached his employment agreement and his fiduciary duty. Generally, Plaintiff anticipates taking discovery concerning all aspects of his employment experience. Plaintiff may need discovery on additional topics.

(B) **Defendant:** Defendant has not answered or otherwise appeared in this action. At this time, Plaintiff is unable to advise the court regarding the subject on which discovery may be needed, or the scope thereof.

3. **Time for Completing Discovery**

Plaintiff proposes that fact discovery will encompass all claims and defenses in the action and will not be conducted in phases. The Plaintiff proposes the following time frame for completion of discovery:

Completion of Fact Discovery: On or around October 1, 2013.

Completion of Expert Discovery: 2 months following close of fact discovery.

Amended Complaint: Plaintiff proposes that any amended complaint must be filed at least sixty (60) days prior to the close of fact discovery.

Joinder of Parties: The Plaintiff proposes that the deadline for joinder of additional parties is sixty (60) days prior to the close of fact discovery.

4. **Privileged Information**

At this time, Plaintiff does not anticipate any issues regarding claims of privilege and intends to assert any claims of privilege on documents through production of privilege logs following production of documents.

5. **Electronically-Stored Information**

At this time, the Plaintiff does not anticipate any significant issues regarding access to or production of electronically stored information.

6. **Limitations on Discovery**

None proposed other than as specified in applicable rules. Plaintiff proposes entering into a confidentiality stipulation when necessary.

7. **Settlement**

The parties have not discussed settlement.

Dated: May 3, 2013

Respectfully submitted,

Alonso, Andalkar, Small, Toro & Facher, P.C.

By: 

Mark J. Alonso [MJA-9582]

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